
Public Notice

Applicant:
RealAmerica, Inc.

Date:
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**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 97-479-0004(5) Section: OH 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

RealAmerica, Incorporated, c/o Edward Gudenas, President, 24555 Lakeshore Boulevard, Euclid, Ohio 44123, has applied for Department of the Army authorization to work and place fill in the waters of Lake Erie and adjacent wetlands. The project is located at 1233 Fox Road, on Middle Bass Island, in the Township of Put-in-Bay, Ottawa County, Ohio.

The project as proposed consists of the following:

- a. Install approximately 15,300 cubic yards of limestone rock to construct a 665 foot breakwater perpendicular to the shoreline. The breakwater will vary between 28 to 198 feet in width. Approximately 7,660 cubic yards of fill will be placed below the ordinary high water mark (OHW) 573.4 feet International Great Lakes Datum (IGLD) 1985. The breakwater will also serve as the roadway to the proposed ferry dock facility.
- b. Install four 36-inch diameter circulation pipes in the marina breakwater.
- c. Install 1,048 linear feet of binwalls consisting of steel cribbing with limestone fill. Approximately 5,600 cubic yards of fill will be placed below OHW, 573.4 feet IGLD 1985. One steel cribbing binwall will extend 400 linear feet along the southern marina boundary, perpendicular to the shoreline. The remaining binwalls will be constructed at the end of the breakwater to make up the proposed ferry docking facility.
- d. Install one 175 linear foot floating dock. The dock will extend along the southern marina boundary between the shore and the southern steel crib binwall.
- e. Install 34 floating docks and 3 dock stringers to create a 72-slip marina.
- f. Perform initial and periodic maintenance dredging of the marina basin. Approximately 12,600 cubic yards of material will be dredged initially. Marina dredging elevations are identified on Sheet 2 of 7. The dredged material will be stockpiled at the locations outlined on Sheet 3 of 7. The dredged clay material will be dried out and used as

fill for other non-wetland areas on the island. The sediment runoff

from the stockpile will be contained with interceptor ditches and a silt fence.

g. Place fill in 0.32 acre of wetlands adjacent to Lake Erie to construct an access road, parking lot, and support piers and walls for a condominium building.

To mitigate the proposed impacts, the applicant proposes the following:

- a. Place cobble rubble over 3.2 acres of clay and smooth bedrock regions of the lake bottom (see Sheet 7 of 7). The placement of cobble rubble in the clay and smooth bedrock regions of the nearshore area will promote colonization by aquatic vegetation, mitigating the vegetated shallows which will be covered or dredged.
- b. Create and distribute educational materials describing the importance and function of wetland ecosystems and the value of the Lake Erie Water Snake.
- c. Make a monetary donation to Hanck's Pond Wildlife Area or another regionally significant wetland on an adjacent island. The donation will aid in the preservation of island wetland acreage.

The stated purposes of the project are to provide erosion protection for the shoreline of the property owned by RealAmerica, Inc., recreational access to the lake, lodging/housing along Lake Erie, an access point for transport vessels to deliver supplies to the island.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Mark T. Lesinski, who can be contacted by calling (440) 437-5840, or by e-mail at: Mark.Lesinski@usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. Don Povolny or Ms. Kim Baker
Ohio Department of Natural Resources
Division of Real Estate and Land Management
Resource Management Section
1952 Belcher Drive, Building C-4
Columbus, Ohio 43224-1386
Telephone (614) 265-6411
FAX (614) 267-4764
e-mail: kim.baker@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, Orwell Field Office, 33 Grand Valley Avenue, Orwell, Ohio 44076, and should be marked to the attention of Mark T. Lesinski, or by e-mail at: Mark.Lesinski@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.